



SENATE JUDICIARY

Exhibit No. 13

Date 3-28-07

Bill No. HB 215

**American Civil Liberties Union
of Montana**

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TETSIMONY HB 215

Chairman Laslovich and Members of the Senate Judiciary Committee,

My name is Cathy Day, Public Policy Director, of the American Civil Liberties Union of Montana. I am here today to speak in opposition to HB 215 "An Act Banning Human Cloning."

Human cloning falls into two broad categories: "therapeutic" and reproductive". Both begin with the same steps. In the simplest terms, a human donor egg is stripped of its nucleus and DNA. The DNA from another donor, the cell to be cloned, is inserted into the donor egg, which is induced to begin dividing. From this process, an early human embryo is created. It is from this point that the two forms of cloning diverge.

The ACLU opposes legal prohibitions on Therapeutic Cloning, sometimes referred to by a technical name which describes the process: Somatic Cell Nuclear Transfer (SCNT). The ban proposed in HB 215 offends both academic freedom and rights of personal autonomy.

Therapeutic Cloning results in the creation of an early embryo and the harvesting of cellular material from that embryo for research or treatment purposes. Scientific research and knowledge, in particular, have the full protection of the First Amendment and should not be prohibited absent a countervailing substantial government interest.

In this case, the ACLU does not recognize the preservation of the cells that would be destroyed as a substantial governmental interest, although the experiments could be subjected to reasonable regulation, for example to protect the health of the person to be treated.

Therapeutic cloning has the potential to be an important basis for the treatment of diseases ranging from Parkinson Syndrome, to Alzheimer's disease. The ACLU also recognizes the right of persons to choose this or any other medical treatment, subject to reasonable regulations to protect health and safety.

For these reasons, we would encourage you to vote against HB 215.